REMARKS

Reconsideration and further examination of this application is respectfully requested

The rejection of claims 1-25 under 35 USC 112, paragraph 1, as failing to comply with the written description requirement is respectfully traversed.

Satisfaction of this requirement is measured by the understanding of the ordinarily skilled artisan. Lockwood v. Am. Airlines, Inc., 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997) ("The description must clearly allow persons of ordinary skill in the art to recognize that [the inventor] invented what is claimed."). "Compliance with the written description requirement is essentially a fact-based inquiry that will 'necessarily vary depending on the nature of the invention claimed.'" Enzo Biochem v. Gen-Probe, Inc., 296 F.3d 1316, 1324, 63 USPQ2d 1609, 1613 (Fed. Cir. 2002) (citation omitted). MPEP 2173.05(i) further states "that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993)(emphasis added).

The present invention is exemplified as handling adjacent defective sectors. The present invention's circumferentially-adjacent defective sectors, according to Yip et al., would have a calculated defect angle of 90°. Also according to Yip et al., radially-adjacent defective sectors would have a calculated defect angle of 0°. Thus, the angle information has two states.

Yet the present invention's "span count," such as illustrated in the tables of the present application, renders the defect angle meaningless. For example, Table 3 has a single value in the span count. That means that the defective sectors are circumferentially adjacent. As such, their defect angle is 90°. Table 6 has two values in the span count, one for the circumference and the other for the radius. That two-value span count implies that the defect angle is at least 0° (in the case of only radially-adjacent defects), or can be both 0° and 90° (in the case of both circumferentially- and radially-adjacent defects). In that case, the present invention does not distinguish between only radially-adjacent defects and both circumferentially- and radially-adjacent defects.

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In addition, an advantage of the present invention is to save space by compressing defect information. One skilled in the art would recognize that providing unnecessary information, such as defect angle, would minimize that advantage.

From all that, one skilled in the art would recognize that the present invention is independent of knowledge of the defect angle. That recognition comes from the written description of the present invention. Therefore, the written description requirement is met.

Accordingly, the above identified application, as amended, is now considered to be in condition for allowance, and such action is earnestly solicited.

Respectfully submitted,
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(Assignee of Entire Interest)

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